

REMARKS

The Office Action mailed August 26, 2004 has been received and reviewed. Claims 15-49 are pending. Claims 16-19, 22, 24, 30, 31, 35, 37-41, 43, 47 and 49 are withdrawn. Claims 15, 20, 21, 25-29, 32, 34, 36 and 44-46 are rejected on new grounds.

Claims 23, 33, 42 and 48 are objected to, but otherwise indicated as reciting patentable subject matter. Accordingly claim 23 is rewritten as claim 50 and claim 33 is cancelled and rewritten as claim 51. Claim 34 is amended to incorporate the limitations of allowed claim 42, which is now cancelled. The Applicant submits that with amendment of claim 34 to include the limitations of allowed claim 42, claims 44-46 and 48 are allowable.

Claims 15 and 44 are amended responsive to the new grounds for rejection. Claims 20 and 36 are cancelled. The Applicant submits that for the reasons stated hereinafter, claim 15 and all of the claims that depend therefrom, including those withdrawn, are in condition for allowance, as are claims 34 and 43-51.

Rejection Of Claims 44 And 45 Under 35 U.S.C. § 112

Claims 44 and 45 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for lack of dependency and antecedent basis. The claims are amended and the rejection is overcome.

Rejection Of Claims 15, 20, 21, 25-29, 32, 34, 36 And 44-46 Under 35 U.S.C. § 103

Claims 15, 20, 21, 25-27, 32, 34, 36 and 44-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2139692 to Wakayoshi ("Wakayoshi") in view of German Patent DE G9114045.5 ("DE Patent"). The Examiner states that Wakayoshi teaches all the claimed elements, except that Wakayoshi does not teach an annular collar that, in the screwed-in state is situated in the middle hinge lobe, the annular collar providing the at least one engaging surface to retain and support the sleeve thereagainst. The Examiner states that the DE Patent teaches a similar screw fastener

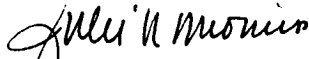
functional inherently as a hinge where the sleeve (12) is held against an engaging surface formed by the annular collar (11) so as to retain and support the sleeve thereagainst. The Examiner states that the sleeve only extends through the portion (1) that could rotate and is analogous to the middle lobe of Wakayoshi, and that the annular collar (11) maintains the sleeve upon the screw shaft. The Examiner contends, therefore, that it would be advantageous to modify the hinge of Wakayoshi so that there is an annular collar to support and engage the sleeve and to position the annular collar at the middle lobe in the tightened state as suggested by the DE Patent. The rejection is overcome. As amended, claim 15 clarifies that the annular collar, in addition to providing a support for the sleeve, serves as a guide for positioning the screw and sleeve into the middle lobe. The DE Patent only discloses two, presumably articulating, members (1, 8) and does not teach or suggest a middle lobe. Consequently, the annular collar disclosed by the DE Patent provides no guidance of the screw into an adjacent articulating member, such as a middle lobe. No such teaching is found in Wakayoshi either. Hence, the references do not establish a *prima facie* case of obviousness since there is no motivation in either reference to provide an annular collar for guidance of the screw into a middle lobe, and because there is no teaching of providing such structure or function, no reasonable expectation of success for providing such structure and function as claimed is found in either reference. Only the Applicant's disclosure provides such teaching. Therefore, Wakayoshi and the DE Patent fail to obviate claim 15. The Applicant submits that claim 15 is not obviated by the cited references and, therefore, claims 16-19 and 21-32 are not obviated. Claim 34 is amended in similar manner to claim 15 and for the same reasons stated, claims 34 and 44-46 are not obviated by the references.

CONCLUSION

In view of the foregoing arguments and clarifying amendments, the Applicants submit that claims 15, 21, 23, 25-29, 32, 34, 44-46, 48, 50 and 51 present patentable subject matter and are allowable. The Applicants further submit that claim 15 is

generic to the species in the case and that withdrawn claims 16-19, 22, 24, 30 and 31 should be rejoined for allowance in the application. The Applicants further submit that with the amendment of claim 34, withdrawn claims 43, 47 and 49 should be rejoined for allowance in the application. Reconsideration and allowance are requested.

Respectfully submitted,



Julie K. Morriss
Registration No. 33,263
Attorney for Applicants
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 478-0071
Facsimile: (801) 478-0076

Date: November 24, 2004